

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 7852 OF 2004

M/s.Auto Stores (India)

Petitioner

vs.

Union of India & ors.

Respondents

Mr.S.N.Kantawala i/b. M/s.Kantawala & Co. for the
petitioner.

Mr.R.V.Desai along with Mr.Rajiv Chavan for the
respondents.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 23rd September 2004

P.C.

Rule.

2. Returnable forthwith.

3. The advocate on record for revenue waives service.

4. By consent of the learned counsel for the petitioner and the learned senior counsel for the revenue, the rule is treated on board for final hearing.

5. Having considered the matter, we are satisfied that interest of justice shall be subserved if the petitioner is permitted to furnish bank guarantee of the differential amount demanded to be paid as revenue deposit vide notice dated 31st August 2004.

6. We, accordingly, dispose of the rule by the following order:

For provisional release of subject goods the petitioner is permitted to furnish the bank guarantee of the differential duty as per the notice dated 31st August 2004 in place of revenue deposit.

7. No costs.

(R.M. LODHA, J.)

(J.P. DEVADHAR,J.)